

DENMARK 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Kingdom of Denmark is a constitutional monarchy with democratic, parliamentary rule. Queen Margrethe II is head of state. A prime minister, usually the leader of the largest party of a multiparty coalition, is head of government and presides over the cabinet, which is accountable to a unicameral parliament (Folketing). The kingdom includes Greenland and the Faroe Islands, which are autonomous with similar although not identical political structures and legal rights. The governments of Greenland and the Faroe Islands manage most of their domestic affairs, while the central Danish government is responsible for constitutional matters, citizenship, monetary and currency matters, foreign relations, and defense and security policy. Observers deemed national elections in 2022 to be free and fair.

The National Police maintain internal security and, jointly with the Danish Immigration Service, is responsible for border enforcement at the country's ports of entry. The Ministry of Justice oversees both services. The Armed Forces report to the Ministry of Defense and have responsibility for external security in addition to some domestic security responsibilities, such as disaster response and maritime sovereignty enforcement. Civilian authorities maintained effective control over the security forces.

There were no reports of significant human rights abuses.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses or engage in corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution and law prohibit such practices, but there were some reports government officials employed them.

Since the publication of the country's Universal Periodic Review (UPR) in the UN Human Rights Council (UNHRC) in 2021, the government decreased the use of belt restraints as a form of coercion in psychiatric care from 1,277 cases in 2020 to 923 cases in 2021, reaching its goal from its 2014 action plan to reduce belt restraint usage by 50 percent.

Prison and Detention Center Conditions

Except for the extensive use of solitary confinement (see below), no other prison or detention center conditions raised human rights concerns.

Abusive Physical Conditions: Authorities continued to hold convicted prisoners together with pretrial detainees in remand institutions.

The number of solitary confinements declined in 2021 with 3,779 cases compared with 4,054 cases in 2020. In June parliament adopted an amendment reducing the maximum number of days in solitary confinement from four weeks to 14 days, except in special cases. While the Danish Institute for Human Rights (DIHR) welcomed the change, it voiced concerns over the long-term possibility of punishment, arguing solitary confinement for more than 15 days is contrary to the UN human rights recommendations in accordance with the Nelson Mandela Rules.

Detention center residents can freely enter and exit their centers between the hours of 6 a.m. and 11 p.m. Residents receive three meals daily and have access to healthcare services. Prisoners have access to religious leaders from their chosen faith and access to meals for religious based dietary restrictions.

Administration: Authorities conducted investigations of credible allegations of

mistreatment.

Independent Monitoring: The parliamentary ombudsman also functioned as a prison ombudsman. The government permitted additional monitoring visits by independent human rights observers and media.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law allows police both to begin investigations and to make arrests on their own initiative based upon observed evidence or to enforce a court order following an indictment filed with the courts by public prosecutors.

The law mandates that citizens and documented migrants taken into custody appear before a judge within 24 hours. The judge may extend police custody for a further 72 hours. Authorities may hold irregular migrants up to 72 hours before bringing them before a judge or releasing them. In all cases the law requires police to make every effort to limit detention time after arrest to fewer than 12 hours. A migrant generally is classified as irregular when the individual does not have the required authorization or documents for legal immigration. During the 72-hour holding period, the National Police, the Center against Human Trafficking, and antitrafficking nongovernmental organizations (NGOs), if needed, may review an irregular migrant's case to determine whether the migrant is a victim of human trafficking. In addition, the Ministry of Immigration and Integration can suspend the requirement for a 72-hour case review if the volume of asylum requests exceeds the ability of the government to complete reviews within 72 hours. Authorities may extend detention beyond 72 hours to conduct additional research in cases where the migrant's country of origin or identity cannot be positively verified.

According to the European Committee for the Prevention of Torture, police may administratively detain a person who endangers public order, the safety of

individuals, or public security for a period not exceeding six hours or, in the context of public gatherings and crowds, 12 hours.

Authorities generally respected the right of detainees to a prompt judicial determination and informed them promptly of charges against them. There is no bail system; judges decide either to release detainees on their own recognizance or to keep them in detention until trial. A judge may authorize detention prior to trial only when authorities charge the detainee with a violation that could result in a prison sentence of more than 18 months or when the judge determines the detainee would seek to impede the investigation of the case, be a flight risk, or be likely to commit a new offense. The standard period of pretrial custody is up to four weeks, but a court order may further extend custody in four-week increments.

Unlike in previous years, arrested persons have the right to unsupervised visits with an attorney from the time police bring them to a police station. The government provides counsel for those who cannot afford legal representation. Detainees have the right to inform their next of kin of their arrest, although authorities may deny this right if information regarding the detention could compromise the police investigation. Detainees have the right to medical treatment, and authorities generally respected this right. Consular access to detainees is provided. Police may deny other forms of visitation, subject to a court appeal but generally did not do so.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants enjoy the right to a presumption of innocence; a prompt and detailed notification of the charges against them; and a fair, timely, and public trial. They have the right to be present at their trial; to communicate with an attorney of their choice (or have one provided at public expense if unable to pay); to have adequate

time and facilities to prepare a defense; to have free interpretation as necessary from the moment charged through all appeals; to confront prosecution or plaintiff witnesses and present their own witnesses and evidence; not to be compelled to testify or confess guilt; and to appeal their case.

In September the government passed legislation that prohibits children under the age of 18 from serving as interpreters for family members in public hearings, including at court.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may bring civil lawsuits seeking damages for a human rights violation. The complainant may also pursue an administrative resolution. The law provides that persons with “reasonable grounds” may appeal court decisions to the European Court of Human Rights (ECHR) if they involve alleged violations of the European Convention on Human Rights, but only after they exhaust all avenues of appeal in national courts.

In October the ECHR ruled that Denmark had not violated any laws or conventions by sentencing an individual to six months in prison in 2019 for entering Raqqa, Syria and joining the People’s Protection Unit to fight the Islamic State. The ECHR verdict concurred with the verdict of Denmark’s Supreme Court that ruled it is a criminal offense to enter and remain in certain conflict zones.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and

Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Freedom of Expression: The law prohibits any public speech or the dissemination of statements or other pronouncements that threaten, deride, or degrade a group because of gender, race, skin color, national or ethnic background, religion, or sexual orientation. Authorities may fine offenders or imprison them for up to two years.

Following the introduction of the penal code's provision on freedom of speech by religious leaders in 2016, popularly known as the "imam clause," the government made this provision permanent in April. The law criminalizes the explicit condoning of incest, pedophilia, and polygamy and the incitement of terrorism, murder, or rape in connection with religious training. Punishment includes an unspecified fine or imprisonment of up to three years. The law has previously been criticized as a threat to the freedom of religion or belief. DIHR criticized the provision after it was permanently established because it applies to statements made in a private context, has an unclear scope, and subjects religious leaders to a wider interpretation of criminal behavior than other citizens.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored online communications without appropriate legal authority.

On September 5, the country unveiled signatories of its Copenhagen Pledge as part of the government's Tech for Democracy initiative. The Pledge underlines the joint responsibility of governments, multilateral organizations, tech companies, and civil society to develop, promote, and regulate technology to benefit democracy and reaffirm the vision of a free and open internet.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedom of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Exile: Five Danish children remain in the Roj camp in northeast Syria. The government has offered to repatriate the children without their mothers, who have been stripped of their Danish citizenship.

Citizenship: In April the government expanded the criteria for citizenship revocation for individuals convicted of criminal offenses if it is determined their actions caused "serious damage for Denmark's vital interests." DIHR criticized the proposal, arguing the expanded criteria for possible citizenship revocation risked infringing on citizens' rights.

e. Protection of Refugees

The government did not coordinate with the Office of the UN High Commissioner for Refugees (UNHCR) in its conversations with the government of Rwanda to externalize asylum processing.

Following Russia's invasion of Ukraine in February, the government passed a law on March 16 providing two-year residence permits for arriving Ukrainian refugees and granting them access to the labor, education, and health care systems with the possibility of a one-year extension.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

The government limits the rights of persons with subsidiary or temporary protection to family reunification, restrictions not applied to persons recognized as refugees. For example, persons with subsidiary or temporary protection must wait at least three years before applying for family reunification for their spouse or cohabitating partner and minor children. In contrast, persons with refugee status can apply for family reunification at any time.

The government considers Damascus and its surrounding governate to be safe for return, putting asylum claims of Syrians from those regions at risk. Nonetheless, the Immigration Service published a report in May that highlighted security issues facing returning Syrians, including torture, killings, and arbitrary detention. The government did not forcibly return rejected asylum seekers to Syria in part because Denmark does not have diplomatic relations with Syria. Those whose claims were rejected, including due to their place of origin, however, lost their work permit and were required to live in an asylum center.

In December 2021, former Minister for Immigration and Integration Inger Støjberg was impeached and sentenced to 60 days in prison for separating asylum seeker partners in cases where one partner was under 18. A parliamentary committee tasked with the investigation concluded Støjberg violated the Convention on the Rights of the Child and the European Convention on Human Rights, to which the country is subject.

Safe Country of Origin/Transit: The country employs the EU's Dublin III regulation, which permits authorities to turn back or deport individuals who entered or attempted to enter the country through a "safe country of transit" or were registered in another state-party to the Dublin regulation.

Refoulement: As of September 30, 133 residency permits of Syrian asylum seekers had been revoked in 2022, and an additional 30 were in process. These revocations began in 2019 after the Danish Refugee Appeals Board deemed Damascus and its surrounding governorate to be safe for return. Many of these individuals have since departed Denmark for Syria or other destinations.

Freedom of Movement: The law limits the initial period of immigration detention to six months, which can be extended to 18 months if special

circumstances exist.

Access to Basic Services: The law allows municipalities to accommodate refugees only in temporary housing.

Durable Solutions: The government's policy encouraged repatriation of refugees rather than their integration into society. The state provided financial assistance to refugees or asylum seekers who chose to return home. It paid for their travel and provided a small sum of money to help them resettle in their homeland. The government provided similar financial incentives to nonrefugee or non-asylum-seeking residents who chose to return to their homelands. This policy decreased the likelihood of long-term residency permits for refugees and asylum seekers as it encouraged repatriation over integration. In September, media reported EU money laundering regulations have prevented the country from upholding a repatriation agreement to provide financial assistance to Syrians who returned to Syria. In at least 49 cases, the government has not transferred the funds due to restrictions on transferring money to Syria. In 2022, the Danish government drafted legislation to suspend asylum rules for Ukrainians, so they would not have to be part of the asylum system. The law makes it easier for Ukrainians to receive residency permits so they can quickly start school, education, or work. The duration of this law for Ukrainian citizens and persons with refugee status in Ukraine, as well as accompanying nuclear families is two years with the possibility of extension.

Temporary Protection: In 2021, 151 refugees received temporary protection status in the country.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

According to UNHCR, as of February, 11,608 stateless persons lived in the country. Stateless persons can apply for citizenship if they have lived in the country for at least eight years.

Section 3. Freedom to Participate in the Political Process

The constitution and laws provide citizens, including residents of Greenland and the Faroe Islands, the ability to choose their governments in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The Faroe Islands held free and fair parliamentary elections in 2022. On December 14, after 42 days of negotiations, the Social Democrats, the Liberal Party, and the Moderate party announced the formation of a new government with Mette Frederiksen continuing as Prime Minister. Faroese Social Democratic Party leader Aksel V. Johannesen formed a government December 20 with the Republic party and Progress party, after his party emerged as the main winner of the December 9 Faroese parliamentary elections.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating, and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: The parliamentary ombudsman investigates

complaints regarding national and local public authorities and any decisions authorities made regarding the treatment of citizens and their cases. The parliamentary ombudsman can independently inspect prisons, detention centers, and psychiatric hospitals. A European ombudsman monitored the country's compliance with EU basic rights, a consumers' ombudsman investigated complaints related to discriminatory marketing, and two royal ombudsmen provided liaison between the Danish central government and those in the Faroe Islands and Greenland. These ombudsmen enjoyed the government's cooperation, operated without government or political interference, and were considered effective.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of a person, regardless of gender (the statute is gender neutral), including spousal rape and domestic violence. Penalties for rape include imprisonment for up to 12 years for aggravated circumstances and up to six years for domestic violence. The Danish parliament unanimously passed a consent-based rape legislation that was effective from January 1, 2022. The government effectively prosecuted individuals accused of rape.

Danish police received 2,114 reports of rape or attempted rape in 2021. Greenland Police received 643 reports of sexual offenses in 2021. According to their published statistics, 11.4 out of 1,000 individuals reported sexual violence cases to police in Greenland in 2021. Faroese law criminalizes rape with penalties of up to 12 years' imprisonment. The law considers nonconsensual sex with a person in a "helpless state" to be sexual abuse rather than rape. In certain instances, it also reduces the penalty for rape and sexual violence within marriage.

Greenlandic law criminalizes rape. Unlike the Danish system, Greenland's Criminal Code does not specify minimum and maximum penalties, and sentences are decided by the court on a case-by-case basis. The law is applied equally regardless of the marital relationship of the offender and the survivor. The law provides that sentencing be based on the severity of the case as well as an

individual evaluation of the offender. Sentencing was typically between 12 and 18 months.

The Danish government and NGOs operated 24-hour hotlines, counseling centers, and shelters for female survivors of violence throughout the country, including in Greenland and the Faroe Islands.

Danish law provides for 10 hours of taxpayer-funded psychological help for women in shelters. The government continued its two-year pilot project to provide psychological treatment to men in men's shelters.

Under the law, a man who is the survivor of domestic violence is not afforded the same opportunities for help as a woman. While the law provides women the right to be admitted to a women's crisis center, men can only be admitted to shelters or male centers as "functional homeless." These centers did not necessarily have expertise in caring for survivors of violence because they house a wider target group, such as the homeless and those suffering from drug or alcohol addictions. In Greenland there were 643 sexual crimes reported in 2021, a 14 percent decrease from the 748 reported in 2020.

In November the Greenlandic parliament unanimously passed a bill that introduced a consent-based rape provision in Greenland's Criminal Code, which the Greenland Council for Human Rights and the Greenland Gender Equality Council welcomed. The consent-based rape legislation will come into effect July 1, 2023.

The Greenland Police acknowledge that instances of domestic violence are higher in Greenland than in other Nordic countries. In 2021 the Greenland Police received 2,181 reports of domestic disputes, of which 435 involved children. Local authorities believe these cases are vastly underreported. An added challenge to reporting on incidents of domestic violence is that many smaller Greenlandic towns lack a permanent law enforcement presence. In a step towards increasing efforts to stop gender-based violence, the Greenlandic parliament voted to ratify the Istanbul Convention in May 2022.

In September media outlets in southern Greenland widely reported on a case in which a resident at a facility for persons with disabilities was a victim of rape, which came to light only when the victim unexpectedly gave birth. The authorities

ultimately arrested the perpetrator after an investigation that received significant attention from the local press. The incident, which shocked local communities, highlighted the role of the media in bringing attention to cases of abuse and discrimination.

The case further highlighted the intersectional challenges to advancing human rights in Greenland, including rape and domestic violence, disability rights, and judicial procedures. Subsequent media coverage focused on the victim's family's concern that the victim would need to return to the same facility before the perpetrator was detained, since there were no other adequate facilities nearby. Local contacts expressed concerns of retraumatization in many cases of domestic violence even after a perpetrator has completed their sentence, as they often return to the same small, tight knit community where the victim may also live.

Sexual Harassment: The law prohibits sexual harassment and provides that authorities may order a perpetrator or an employer who allowed or failed to prevent an incident of harassment to pay monetary compensation to victims. The law considers sexual harassment an unsafe working condition and gives labor unions or the Equal Treatment Board the responsibility to resolve it. The government enforced the law effectively.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

In May national media reported that around 4,500 Greenlandic girls and females had contraceptive IUDs inserted, many without consent, from the 1960s to 1991. In June, Denmark and Greenland entered an agreement to investigate the decision-making process behind the IUD cases and their implementation efforts. The Human Rights Council of Greenland welcomed the investigation and argued that the victims should be compensated as the installation of IUDs without consent constituted “a gross violation of girls and women's right to self-determination.”

Women over the age of 18 have the right to an abortion prior to the end of the 12th week of pregnancy. If a woman is under 18 and unmarried, permission for the abortion must be obtained from parents or guardians. The woman can, however, ask permission to be exempted from parental consent. The government provides

access to sexual and reproductive health services for survivors of sexual violence.

Emergency contraception is available as part of clinical management of rape.

The Faroe Islands retain highly restrictive abortion laws according to the Center for Reproduction Rights. Abortions in the Faroe Islands can only be legally carried out if one of four criteria are met, as assessed by a general practitioner: (1) There is serious danger to the mother's life or health; (2) the pregnancy was caused by rape or incest; (3) there is a risk the fetus suffers from a serious and incurable or physical illness; or (4) the mother is deemed unfit to care for her child. Several Faroese women have traveled to Denmark to have the procedure done there.

Pre-exposure prophylaxis for HIV and gender-affirming treatments and procedures are not available in Greenland.

Discrimination: Women have the same legal status and rights as men, including under family, labor, religious, personal status and nationality, property, inheritance, employment, access to credit, and owning and managing businesses and property laws. Little discrimination was reported in employment, ownership and management of businesses, or access to credit, education, or housing.

Following an EU directive, the government implemented new maternity and paternity leave rules offering parents 24 weeks of leave with benefits after the birth of a child.

Systemic Racial or Ethnic Violence and Discrimination

In February the country opened its first crisis center for lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals with ethnic minority backgrounds. The crisis center offers shelter for six individuals and specialized counseling and guidance efforts.

The Finance Act of 2022 included a four-year grant to strengthen governmental efforts to combat hate crimes, including by creating an action plan to combat racism. The plan's initiatives are intended to combat racism broadly in society with a particular focus on the workplace, education, nightlife, and hate crimes.

The Ministry of the Interior and Housing continued to implement the government's

action plan for the elimination by 2030 of parallel societies, until 2021 referred to as ghettos. DIHR continued to call the government's parallel society initiative "discriminatory" and recommended the government not include residents' ethnic backgrounds in parallel society criteria. Similarly, the UN Committee for the Elimination of Racial Discrimination recommended in December 2021 that the country remove the ethnicity criteria, ban ethnic profiling within the police force, and introduce an action plan against racism.

A DIHR report published in March on ethnic profiling by police concluded the risk of being charged for crimes that are either dropped or end in acquittal is 27 percent higher for first-generation immigrants and 45 percent higher for second-generation immigrants than for native-born citizens. A February DIHR report concluded women, youth, and ethnic minority candidates faced harassment and threats during the 2021 municipal election campaigns. According to the report, 26 percent of female candidates between the ages of 18 and 39 experienced sexual harassment during their campaigns while 21 percent of all ethnic minority candidates reported they experienced harassment and threats based on their ethnicity.

Indigenous Peoples

The law protects the rights of the Indigenous Inuit inhabitants of Greenland, who represent a majority of the Greenlandic population and are Danish citizens. Through Greenland's elected, internally autonomous government, they participated in decisions affecting their lands, culture, traditions, and the exploitation of energy, minerals, and other natural resources. Greenlanders also vote in Kingdom-wide elections.

Children

Birth Registration: Most children acquire citizenship from their parents. Stateless persons and certain persons born in the country to noncitizens may acquire citizenship by naturalization, provided, in most cases, that they apply for citizenship after turning 18 but before their 21st birthday. The law requires medical practitioners to register promptly the births of children they deliver, and they generally did so.

Child Abuse: Child abuse, including corporal punishment, is illegal and punishable by up to two years in prison in Denmark. The National Police and Public Prosecutor's Office actively investigate child abuse cases. According to police statistics, approximately 8 percent of total sexual offenses in Greenland in 2021 were crimes of "sexual relations with individuals below the age of 15, compared with 17 percent in 2020." Police have commented that the majority of such cases is relations among underage individuals.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography. Penalties for the distribution of child pornography include up to a six-year prison sentence. The government generally enforced these laws. The minimum age for consensual sexual activity is 15. The law in Greenland prohibits sexual relations with children younger than age 15; the Court determines the penalties for perpetrators.

Prostitution is not criminalized, but the purchase of sexual services from a person younger than 18 is illegal. Penalties for inciting child prostitution include up to a four-year prison sentence.

Displaced Children: The government considered unaccompanied minor refugees and migrants to be vulnerable, and the law includes special rules regarding them. If a child younger than 18 enters the country without parents or any other family and applies for asylum, the child is termed an unaccompanied minor asylum seeker. As such, the child has special rights including receiving appropriate protection and humanitarian assistance and being accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as well as other rights described in the Convention on the Rights of the Child. A personal representative is appointed for all unaccompanied children who sought asylum or who stayed in the country without permission.

Antisemitism

The organization the Jewish Community in Denmark (Det Jødiske Samfund i Danmark) estimated between 6,000 and 8,000 Jews live in the country, mostly in

the Copenhagen area. National Police reported 79 crimes motivated by antisemitism in 2020 compared with 51 crimes recorded in 2019.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws criminalize consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: Police and other government agents did not incite, perpetrate, condone, or tolerate violence against LGBTQI+ individuals, or those reporting on such abuse.

Discrimination: Danish law prohibits discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics and recognizes LGBTQI+ individuals, couples, and their families. The government enforced such laws. Protections against discrimination based on sexual orientation and gender identity or expression do not extend to Greenland. Faroese law also prohibits discrimination based on sexual orientation.

Availability of Legal Gender Recognition: The law allows individuals to self-determine their own gender identity without requirements for medical or psychiatric intervention.

The government amended the Naming Act on April 1 to allow transgender individuals to adopt a name that corresponds to their gender identity.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There are no Danish laws that explicitly ban so-called conversion therapy practices. However, any violence or threat of violence carried out as part of a conversion therapy is considered a criminal

offense under Danish Criminal Code.

Persons with Disabilities

The law prohibits discrimination against and harassment of persons with physical, sensory, intellectual, or mental disabilities. It also mandates access by persons with disabilities to government buildings, education, employment, information, and communications. The government enforced these provisions. A September National Research and Analysis Center for Welfare report highlighted an increase in employed persons with disabilities in the country, from 55.3 percent in 2020 to 60.8 percent in 2021, representing the smallest employment gap between persons with and without disabilities since 2008.

The law provides for the right of free education for all children. The law provides that most children with disabilities be able to attend mainstream classes with nondisabled peers through secondary school. Since May 2021, criminal acts motivated by prejudice against a victim's disability have been included on the list of hate crimes. Previously, only crimes motivated by prejudice against a victims' ethnicity, religion, sexual orientation, or similar, counted as hate crimes.

The law prohibiting discrimination on the grounds of disability provides reasonable accommodations for children with disabilities in daycare, public and private primary schools, and independent schools. The law also includes the right to appeal to the Equal Treatment Board, which makes it possible to be awarded compensation.

The country maintained a system of guardianship for persons considered incapable of managing their own affairs due to psychosocial or mental disabilities. Persons under guardianship who do not possess legal capacity have the right to vote in local and regional elections as well as in elections to the European Parliament, but not in national elections.

Greenlandic law does not provide protection against discrimination for persons with disabilities. Greenland has a national advocacy organization, Tilioq, responsible for promoting the rights and interests of persons with disabilities. According to NGOs, persons with disabilities in Greenland continued to lack adequate access to counseling, trained professionals, and proper learning materials

in schools and faced discrimination and prejudice.

MEGD (Faroese Disability Organizations) is the national disability umbrella organization of the Faroe Islands, overseeing 24 member organizations. The Faroese government consults MEGD on all bills involving persons with disabilities to ensure laws and policies comply with the UN Convention on the Rights of Persons with Disabilities.

Other Societal Violence or Discrimination

Representatives of the Muslim and Jewish communities remained concerned regarding proposals to ban nonmedical circumcision of boys younger than age 18 and its regular reemergence in parliamentary debates.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law states all workers may form or join independent unions. The right to strike is a part of the “Danish Model,” which determines that participating parties in the labor market, including employer associations and trade unions, negotiate collective agreements that determine the terms and conditions applicable to employees. The law does not specifically protect nor prohibit the right to strike except for certain essential services. The government is legally allowed to intervene in strikes after a certain amount of time if parties have not reached an agreement. The “Danish Model” provides for the right to collective bargaining but does not provide nonresident foreign workers on Danish ships the right to participate in the country’s collective bargaining agreements. It allows unions to conduct their activities without interference, prohibits antiunion discrimination, and provides for reinstatement of workers fired for union activity.

The government effectively enforced the law and penalties were regularly applied against violators. Resources, inspections, and remediation including supporting regulations were adequate. Penalties were commensurate with similar violations. Breaches of collective agreement are typically referred to industrial arbitration tribunals to decide whether a breach took place. If the parties agree, the Labor Court may deal with cases that would otherwise be subject to industrial arbitration.

The Court determines penalties on the facts of the case and with due regard to the degree that the breach of agreement was excusable. Of the 743 cases that were concluded at the Labor Court in 2021, 353 were dismissed without a court hearing having been held. These were cases that were settled quickly after being brought before the Labor Court or dismissed for other reasons. Another 287 cases were concluded in absentia, sometimes after a single or a few preliminary hearings; 24 cases were concluded by settlement between the parties after one or more court hearings; and 68 cases were concluded with a judicial decision. The remaining 11 were terminated for other reasons, typically because they were put on hold to await the outcome of a professional arbitration and ultimately settled out of the court.

Employers and the government generally respected freedom of association and the right to collective bargaining. Annual collective bargaining agreements covered members of the workforce associated with unions and indirectly affected the wages and working conditions of nonunion employees.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor, including by children, and the government effectively enforced this prohibition. The law prescribes penalties that were generally commensurate with those for similar crimes.

In May the government passed a new provision to the criminal code Section 262(b), which criminalized the exploitation of a person in labor and sex work under “manifestly unreasonable conditions” and prescribed penalties of up to six years’ imprisonment.

The government identified 14 labor trafficking victims during the year, many who came to the country from Africa and Southeast Asia through debt-based coercion, withheld wages, abuse, and threats of deportation. According to NGOs, traffickers exploited unaccompanied children, particularly Moroccan boys, in forced labor, including drug trafficking and theft.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor, and the government effectively enforced the law. Penalties were regularly applied against violators of labor regulations and were commensurate with those for analogous serious crimes. The minimum legal age for full-time employment is 15. The law sets a minimum age of 13 for part-time employment and limits school-age children to less strenuous tasks. The law limits work hours and sets occupational health and safety restrictions for children, and the government effectively enforced these laws. Minors may not operate heavy machinery or handle toxic substances, including harsh detergents. Minors may only carry out “light work” that is the equivalent of lifting no more than 26.4 pounds from the ground and 52.8 pounds from waist height. For minors working in jobs where there is a higher risk of robbery, such as a snack bar, kiosk, bakery, or gas station, a coworker older than 18 must always be present between the hours of 6 p.m. and 6 a.m. on weekdays and 2 p.m. and 6 a.m. on weekends. There were no confirmed reports during the year of the worst forms of child labor.

d. Discrimination with Respect to Employment and Occupation

The law prohibits employment discrimination, and the government generally enforced these laws effectively. The law prohibits discrimination and harassment based on race, skin color, or ethnic origin; gender; religion or faith; sexual orientation; national or social origin; political views; age; and disability. The law does not explicitly prohibit discrimination based on HIV, AIDS, or refugee status. Penalties for violations include fines and imprisonment and were generally commensurate with those related to civil rights. Penalties were regularly applied against violators.

The UNHRC expressed concern regarding the persistent gender wage gap, mostly affecting women from immigration communities, and obstacles faced by women in accessing full-time employment.

Danish gender equality law does not apply to Greenland, but Greenland’s own law prohibits gender discrimination. Greenland has no antidiscrimination laws in employment, and Danish antidiscrimination laws do not apply to Greenland.

Greenlandic law prohibits gender-based discrimination in the labor market and has set up an Equality Council. The council's mandate is restricted to gender equality, and the council "is not obliged to work at the request of citizens but can assess whether an issue requires its attention." Greenlandic citizens cannot complain to an independent appeals board but must bring their case to court. If a complaint concerns discrimination by a public authority, citizens can complain to the parliamentary ombudsman.

In February the Danish Working Environment Authority (DWEA) under the Ministry of Employment published its National Monitoring of the Working Environment among Employees report showing that 11.3 percent of employees have experienced discrimination or negative behavior over the past year. In September, DIHR published an analysis based on data from the report showing that 20 percent of employees with a minority background have experienced discrimination in their workplace, especially those between the ages of 15 and 24. The report concluded about as many women as men with ethnic minority backgrounds have experienced discrimination in the workplace, mainly within the service industry, including shops, restaurants, and transportation.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law does not mandate a national minimum wage. Unions and employer associations negotiate minimum wages in collective bargaining agreements that were more than the estimate for the poverty income level. The law requires equal pay for equal work; migrant workers are entitled to the same minimum wages and working conditions as other workers.

Workers generally worked a 37.5-hour week established by contract rather than law. Workers received premium pay for overtime if covered by a collective agreement, and there was no compulsory overtime. Working hours are set by collective bargaining agreements and adhere to the EU directive that average work weeks do not exceed 48 hours.

Occupational Safety and Health: The law prescribes conditions of work, including appropriate safety and health standards. Occupational safety and health (OSH) standards are appropriate for the main industries in the country. The

Ministry of Employment is responsible for the framework and rules regarding working conditions, health and safety, industrial injuries, financial support, and disability allowances. Workers can remove themselves from situations they believe endanger their health or safety without jeopardy to their employment, and authorities effectively protected employees in these situations. The same laws protect legal immigrants and foreign workers and apply equally to both categories of workers.

An annual report from the DWEA showed that in 2021 a total of 63,707 occupational accidents were reported, representing a 37 percent increase compared to 2020. The increase in reports is attributed to COVID-19 incidents, which were reported as “occupational accidents.” DWEA registered 36 workplace fatalities in 2021.

Wage, Hour, and OSH Enforcement: The DWEA is responsible for the enforcement of wage and hour laws. The number of inspectors was sufficient to enforce compliance, and inspectors have the authority to make unannounced inspections and initiate sanctions. The government effectively enforced wage and hour laws, and penalties for violations were commensurate with those for similar crimes. Vulnerable groups generally included migrant and seasonal laborers, as well as young workers. These groups often worked in the agricultural and service sectors.

Authorities effectively enforced compliance with labor regulations. The same inspectors with authority over minimum wage and hours conducted occupational safety and health inspections. Standards were enforced effectively for wage, hours and occupational safety and health in all sectors, including the informal economy. Penalties for safety and health violations, for both employees and employers, were commensurate with those for similar violations. DWEA may settle cases subject only to fines without trial. Penalties were regularly applied against violators.

DWEA is responsible for enforcing health and safety rules and regulations. This is carried out through inspection visits as well as guidance to companies and their internal safety organizations. DWEA’s scope applies to all industrial sectors except for work carried out in the employer’s private household, exclusively by members of the employer’s family, and by military personnel. The Danish Energy

Agency is responsible for supervision of offshore energy installations, the Maritime Authority is responsible for supervision of shipping, and the Civil Aviation Administration is responsible for supervision in the aviation sector.

DWEA has authority to report violations to police or the courts if an employer fails to make required improvements by the deadline set by the DWEA. Court decisions regarding violations were released to the public and show past fines imposed against noncompliant companies or court-ordered reinstatement of employment. Greenland and the Faroe Islands have similar work conditions, except in both cases collective bargaining agreements set the standard workweek at 40 hours.